REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed October 16, 2008. At the time of the Final Office Action, Claims 17-30 were pending in this Application. Claims 17-30 were rejected. Claims 17, 23, 29, and 30 have been amended. Claims 1-16 were previously cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 17-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0028049 filed by Ernest Yiu Cheong Wan ("*Wan*"), and further in view of non-patent document entitled "*An Overview of the MPEG-7 Description Definition Language (DDL)*," by Jane Hunter ("*Hunter*").

Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

The Examiner stated that Applicant did not claim the textual content as an element. Even though Applicant disagrees, Applicant amended the independent claims to clearly include the limitation that a textual content is encoded as an element in a complex data type as shown, for example, in Fig. 4 of the present application. Contrary to the prior art and as discussed in *Hunter* and *Wan* the elements do not contain any text. Rather, text is encoded separately as a text stream wherein the data structure points to specific text elements of that text stream. See, for example, *Wan* Fig. 1 and associated description.

The examiner particularly stated that *Wan* discloses in Fig. 7 to use a structure code that are assigned to the text segments. Applicant respectfully disagrees. Fig. 7 shows a way to circumvent the limitations of text packet sizes. If a text segment is greater than a packet it can be distributed over a plurality of packets. To this end, a flag 704 is used to indicate a following string fragment. See *Wan,* page 7, paragraph [0112]. Thus, contrary to the examiner's interpretation, the flags 704 used in the text packet have nothing to do with a structure code of a complex type. Thus, *Wan* does not disclose to assign a structure code to a textual content within any data type.

Hunter does not fill this gap because *Hunter* merely discloses the general concept of a complex data type. However, this concept does not include to add textual content as an element within the data type as proposed by the present invention.

Hence, Applicant believes that all independent claims are now patentable in view of the cited prior art and respectfully requests allowance of these claims. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

Information Disclosure Statement

Applicants enclose an Information Disclosure Statement and PTO Form 1449, with a copy of the references and authorize the Commissioner to charge $180.00 to Account No. 50-2148 of Baker Botts L.L.P.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants enclose an Information Disclosure Statement and PTO Form 1449, with a copy of the references and authorize the Commissioner to charge $180.00 to Account No. 50-2148 of Baker Botts L.L.P. Applicants believe there are no further fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants

Andreas Grubert
Registration No. 59,143

Date: December 16, 2008

SEND CORRESPONDENCE TO:
BAKER BOTTS L.L.P.
CUSTOMER ACCOUNT NO. **31625**
512.322.2545
512.322.8383 (fax)